

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

RECEIVED

04 FEB 2004

WIPO PCT

Applicant's or agent's file reference 701.364	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/00263	International filing date (day/month/year) 14.01.2003	Priority date (day/month/year) 24.04.2002
International Patent Classification (IPC) or both national classification and IPC A24B1/04		
Applicant COMAS -COSTRUZIONI MACCHINE SPECIALI-S.P.A. et al.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
These annexes consist of a total of sheets.

EPO - DG 1

12. 03. 2004

- This report contains indications relating to the following items:
 

I	<input checked="" type="checkbox"/>	Basis of the opinion	(37)
II	<input type="checkbox"/>	Priority	
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
IV	<input type="checkbox"/>	Lack of unity of invention	
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
VI	<input type="checkbox"/>	Certain documents cited	
VII	<input type="checkbox"/>	Certain defects in the international application	
VIII	<input type="checkbox"/>	Certain observations on the international application	

Date of submission of the demand  17.11.2003	Date of completion of this report  30.01.2004
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Werner, D  Telephone No. +49 89 2399-2076  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP 03/00263

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-3 as originally filed

**Claims, Numbers**

1-3 as originally filed

**Drawings, Sheets**

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/00263**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-3
	No: Claims	
Inventive step (IS)	Yes: Claims	1-3
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-3
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

1. The present application seems to satisfy the criterion set forth in Article 33(2) respectively Article 33(3) PCT because the subject-matter of Claims 1 - 3 seems to be new respectively inventive in respect of prior art as defined in the regulations (Rule 64(1)-(3) respectively Rule 65(1)(2) PCT).

As next prior art of the application is regarded FR-A-2543456 which discloses a separator for shredded tobacco according to the preamble of claim 1. It is an object to separate heavy foreign bodies such as stones, agglomerations etc. without degrading the tobacco. This has been substantially solved in that the upper mouth of the column faces a mesh conveyor and a member which removes the conveyed tobacco.

2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document FR-A-2543456 is not mentioned in the description, nor is this document identified therein.